

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROY CAPERS,

Plaintiff,

V.

OCWEN FEDERAL BANK, FSB, et al.,

Defendants.

CIVIL ACTION NO.
05-0233-BH-L

ORDER

This action is now before the Court on plaintiff motion (Doc. 9) to reconsider the Order entered on May 12, 2005 (Doc. 8) denying plaintiff's motion to remand and granting the motion to stay filed by defendant Ocwen Federal Bank, FSB ("Ocwen"). In the alternative, plaintiff seeks permission to appeal this order pursuant to 28 U.S.C. § 1292(b).

The Court has considered plaintiff’s present arguments and considered yet again plaintiff’s arguments in support of remand, together with all other pertinent portions of the record. The Court concludes that its decision regarding the appropriateness of re-removal in this case and the existence of diversity jurisdiction is correct. The Court further concludes that an appeal of that decision at this stage of the litigation is inappropriate. The Court cannot certify that its order denying remand “involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.”

28 U.S.C. § 1292(b). It is therefore **ORDERED** that plaintiff's motion to reconsider be

and is hereby **DENIED** in all respects and the Order entered on May 12, 2005 (Doc. 8) be
and is hereby **AFFIRMED**.

DONE this 25th day of May, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE